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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/605,282 06/28/00 HSIEH

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WM02/1206

EXAMINER

GOINS, D

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

12/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/605,282

Applicant(s)

Hsieh

Examiner

Davetta W. Goins

Group Art Unit
2632



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-5 _____ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Drawings

1. The drawings are objected to because they need to be labeled. Correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 4, the phrase "such as" , "in other words" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szaniszlo in view of Gelormino et al. (US Pat. 5,642,175).

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In reference to claims 1, 3, Szaniszlo discloses the claimed circuit arrangement comprising a central process circuit and a sparkling control circuit, the process circuit comprising a logic controller, the logic controller arranged to receive a signal and drive an illuminating signal generator which outputs a signal to the sparkling controller to switch on an illuminator for illuminating sparkling lights, a power source of the alerting circuit arrangement serially connected with a centrifugal sensor wherein the alerting circuit arrangement is normally in an open circuit state, and when a centrifugal force is applied on the alerting circuit arrangement, the alerting circuit arrangement is in a closed circuit state, so as to drive the illuminators to illuminate the sparkling lights for providing an alert signal to the surrounding and an ornamental effect, which is met by control unit 21 which flashes light source 23. Battery 31 is connected to the control circuit of the light sensor 25. The control unit 21 puts out a logic "0" or logic "1" based on the detected ambient light. A photo diode 28 is connected to the battery 31 (col. 3 lines 36-65 and col. 4 lines 1-9). Switch 8 is mounted on PCB 39 along with a ball 47 which will be displaced based on the centrifugal force. A cantilever 41 is made of conductive material, which may be displaced towards contact 47 to close gap 42, when the ball 47 is displaced and applies a signal to the input of control unit 21 (col. 5 lines 6-19). Although Szaniszlo does not specifically disclose the claimed vibrator, calculator, or two illuminators, he does disclose a control circuit including a logic circuit which detects the different logic states before illuminating light source 23. Gelormino discloses a bicycle safety light including a plurality of LEDs 14 mounted on a circuit board and illuminated based on the centrifugal force of the wheel (col. 11 lines 51-66). Since

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Szaniszlo discloses a control circuit which determines the logic state of a signal based on the movement of the wheel, it would have been obvious to one of ordinary skill in the art to include at least two illuminators, as disclosed by Gelormino, with the system of Szaniszlo, as well as a vibrator and calculator, to accurately control the illumination based on movement as well as provide sufficient amount of light that will be seen by motorists and other pedestrians.

In reference to claim 2, Szaniszlo discloses the claimed alerting circuit arrangement is serially connected with a photo cell unit which normally is in an open circuit state, and the photo cell unit detects the reducing of brightness, the alerting circuit arrangement is in a closed circuit state in order to electrically connect with the power source, which is met by photo diode 28 connected to battery 31 (col. 4 lines 26-30).

In reference to claims 4, ~~5~~, Szaniszlo discloses the claimed part holding planes extended from two sides of the housing wherein a mounting groove is formed on each of the holding plane, a pair of the planes detachably mounted on the respective holding planes for locking up the casing on the spoke of a wheel of a bicycle, which is met by right and left halves of the safety light housing comprised of multi-faceted light transmissive plastic. Both lens halves are shaped to receive the components in a hollow space 52. Each side having a spoke slot 55 to receive a means for fixing, namely screw fastener 62 and nut 64 to lock the fastener to the spoke 3 (col. 5

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lines 38-66). Although Szaniszlo does not specifically disclose the claimed the 1)claimed housing having a transparent window provided on an outer surface wherein the alerting circuit arrangement is arranged to dispose in the housing such that the sparkling lights generated by the illuminators adapted to pass through the transparent window to outside, he does disclose housing comprised of multi-faceted light transmissive plastic. Since Szaniszlo discloses a light transmissive plastic plate, it would have been obvious to one of ordinary skill in the art to incorporate a transparent plate to ensure that the illumination is completely transmitted through the housing and will be seen by nearby pedestrians and drivers in vehicles.

5. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szaniszlo in view of Gelormino et al. as applied to claim 1 above, and further in view of Trimble (US Pat. 3,924,928).

In reference to claims 5, Szaniszlo discloses the claimed part holding planes extended from two sides of the housing wherein a mounting groove is formed on each of the holding plane, a pair of the planes detachably mounted on the respective holding planes for locking up the casing on the spoke of a wheel of a bicycle, which is met by right and left halves of the safety light housing comprised of multi-faceted light transmissive plastic. Both lens halves are shaped to receive the components in a hollow space 52. Each side having a spoke slot 55 to receive a means for fixing, namely screw fastener 62 and nut 64 to lock the fastener to the spoke 3 (col. 5

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lines 38-66). Although Szaniszlo does not specifically disclose the claimed the 1)claimed housing having a transparent window provided on an outer surface wherein the alerting circuit arrangement is arranged to dispose in the housing such that the sparkling lights generated by the illuminators adapted to pass through the transparent window to outside, he does disclose housing comprised of multi-faceted light transmissive plastic. Since Szaniszlo discloses a light transmissive plastic plate, it would have been obvious to one of ordinary skill in the art to incorporate a transparent plate to ensure that the illumination is completely transmitted through the housing and will be seen by nearby pedestrians and drivers in vehicles. Szaniszlo does not disclose the claimed mounting cap having an inner threaded portion of the valve of the tire of the motorcycle so as to securely mount the casing on the motorcycle. Trimble discloses a safety light which may be mounted on both a bicycle and a motorcycle (col. 5 lines 51-65). Since both Szaniszlo and Trimble disclose alerting devices which are to be placed on the spokes of a bicycle, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an illuminated device to be placed on a motorcycle, as disclosed by Trimble, with the system of Szaniszlo, to provide safety illumination for the wheels of both bicycles as well motorcycles.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Schroeder et al. (US Pat. 5,856,727), Brown (US Pat. 6,016,101), and

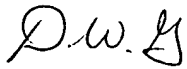
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Duke et al. (US Pat. 6,070,997), which are references that deal with illuminating devices for bicycles.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is (703)306-2761 and fax number is (703)308-9051.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Jeff Hofsass can be reached at (703)305-4717.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-8576.



D. W. Goins

November 28, 2000



EDWARD LEFKOWITZ
PRIMARY EXAMINER